

**REMARKS**

Claims 1-40 are pending in this application. In this Reply, independent claims 1, 6, 15, 18, 28, and 31 have been amended to more appropriately recite the present invention. Based upon the amendments and remarks made herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

It is respectfully submitted that the amendments made to the independent claims are made without conceding the propriety of the Examiner's rejection, but merely to timely advance prosecution of the present application.

In the outstanding Official Action, the Examiner rejected claims 6 and 31-33 under 35 U.S.C. § 102(e) as being anticipated by *Raviv et al.* (USP 6,061,052); rejected claims 1-3, 5, 8-10, 15-24, 26-30, and 34 under 35 U.S.C. § 103(a) as being unpatentable over *Raviv et al.* in view of *More et al.* (USP 5,194,852); rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over *Raviv et al.*; rejected claims 36 and 40 under 35 U.S.C. § 103(a) as being unpatentable over *Raviv et al.* in view of *Sekendur* (USP 5,852,434); rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over *Raviv et al.* in view of *More et al.* and further in view of *Allard et al.* (USP 5,815,142); rejected claims 11-14 under 35 U.S.C. § 103(a) as being unpatentable over *Raviv et al.* in view of *Weinmann et al.* ("Photoshop 5.5 for Windows & Macintosh"); rejected claim 25 under 35 U.S.C. § 103(a) as being unpatentable over *Raviv et al.* and *More et al.* in view of *Weinmann et al.*; and rejected claims 35 and 37-39 under 35 U.S.C. § 103(a) as being unpatentable over *Raviv et al.* and *More et al.*, and further in view of *Sekendur*. Applicants respectfully traverse these rejections.

**Claim Rejections - 35 U.S.C. § 102 - *Raviv et al.***

The Examiner has rejected claims 6 and 31-33 under 35 U.S.C. § 102(e) as being anticipated by *Raviv et al.* This rejection is respectfully traversed for the following reasons.

The present invention is generally directed to a base enabling the digitization of a freehand graphic. The base includes a position-coding pattern fixed to the surface and detectable by an optical sensor. The base further includes a first area and a second area of the surface where the second area is visually distinct from the first area.

In contrast, the disclosure of *Raviv et al.* is directed to a display pointing device where the display pointing device includes a housing, an optical sensor mounted to the housing, and processing circuitry receiving an output from the optical sensor for identifying a location on a display pointed to by the pointing device based on the optically sensible characteristics of at least one pattern at the location which is sensed by the optical sensor. The disclosure of *Raviv et al.* further provides for a sensor being utilized within the context of a simple game in which the user bursts balloons by pointing at them. Each of the balloons is indicated by a differing pattern as seen in Fig. 2B. This pattern is sensed by the optical sensor in the pointer 20 and is recognized by the processing circuitry downstream thereof. Once a given pattern corresponding to a given balloon is recognized, the processing circuitry provides an output indication which causes a burst balloon image to appear on the display (col. 3, lines 14-29).

While *Raviv et al.* provides for differing patterns representing each of the balloons, there is no teaching or suggestion in *Raviv et al.* that is directed to a position-coding pattern fixed to the surface. As *Raviv et al.* fails to teach or suggest all of the claimed elements, it is respectfully submitted that *Raviv et al.* fails to anticipate the invention as recited in claim 6. As such, it is respectfully requested that the rejection of claim 6 be withdrawn.

It is respectfully submitted that claim 31 contains elements similar to those discussed above with regard to claim 6 and, thus, claim 31, together with claims dependent thereon, are allowable for the reasons set forth above.

**Claim Rejections - 35 U.S.C. § 103 -  
*Raviv et al./More et al.***

The Examiner has rejected claims 1-3, 5, 8-10, 15-24, 26-30, and 34 under 35 U.S.C. § 103(a) as being unpatentable over *Raviv et al.* in view of *More et al.* This rejection is respectfully traversed for the following reasons:-

The present invention set forth in claim 1, as amended, provides for a system for digitizing a freehand graphic. The system includes a base including a surface, a position-coding pattern fixed to the surface and detectable by an optical sensor, and a first and second area on the surface. As noted above, *Raviv et al.* fails to teach or suggest a position-coding pattern fixed to the surface and detectable by an optical sensor.

*More et al.* fails to cure the deficiencies of the teachings of *Raviv et al.* as *More et al.* fails to teach or suggest this claim element (assuming these references are combinable, which Applicants do not admit).

The disclosure of *More et al.* is directed to an electro-optical tablet for input and output of handwritten information. The system includes a flat display, such as a liquid crystal display, and a sensor for sensing the position of a stylus or pen on the display. Sensing is performed through the use of a grid of horizontal and vertical electrodes used to both control the display elements and to electro-statically sense the position of the pen on the display surface. There is no teaching or suggestion in *More et al.* that is directed to a position-coding pattern fixed to the surface. As neither of the references teach or suggest this claim element, either alone or in combination, it is respectfully submitted that claim 1 is not obvious over *Raviv et al.* in view of *More et al.*

It is respectfully submitted that claims 2-5 and 35 are allowable for the reasons set forth above with regard to claim 1 at least based upon their dependency on claim 1. It is further respectfully submitted that claims 15, 18, and 28 contain elements similar to those discussed above with regard to claim 1 and, thus, claims 15, 18, and 28, together with claims dependent thereon, are allowable for the reasons set forth above with regard to claim 1.

### Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinnet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Michael K. Mutter, #29,680

  
MKM/CMV/jdm  
3782-0127P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

(Rev. 02/12/2004)